

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

CONN J. MALONEY,

3:09-CV-1411-PK

Petitioner,

ORDER

v.

BRIAN BELLEQUE,

Respondent.

BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and Recommendation (#33) on September 20, 2011, in which he recommends the Court deny Petitioner Conn J. Maloney's Amended Petition (#21) for Writ of Habeas Corpus, dismiss this matter with prejudice, and decline to issue a certificate of appealability. Petitioner filed timely Objections to the

Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). See also *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*).

In his Objections, Petitioner reiterates the arguments contained in his Amended Petition for Writ of Habeas Corpus, Brief in Support of Petition, and Reply. This Court has carefully considered Petitioner's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#33) and, therefore, **DENIES** the Amended Petition (#21) for Writ of Habeas Corpus, **DISMISSES** this matter **with**

prejudice, and **DECLINES** to issue a certificate of appealability.

IT IS SO ORDERED.

DATED this 1st day of December, 2011.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge